

Carmarthenshire County Council

Assessing Impact

The Equality Act 2010

The Equality Act 2010 (the Act) brings together and replaces the previous anti-discrimination laws with a single Act. It simplifies and strengthens the law, removes inconsistencies and makes it easier for people to understand and comply with it. The majority of the Act came into force on 1 October 2010.

The Act includes a new public sector equality duty (the 'general duty'), replacing the separate duties on race, disability and gender equality. This came into force on 5 April 2011.

What is the general duty?

The aim of the general duty is to ensure that public authorities and those carrying out a public function consider how they can positively contribute to a fairer society through advancing equality and good relations in their day-to-day activities. The duty ensures that equality considerations are built into the design of policies and the delivery of services and that they are kept under review. This will achieve better outcomes for all.

The duties are legal obligations. Failure to meet the duties may result in authorities being exposed to legal challenge.

Under equality legislation, public authorities have legal duties to pay 'due regard' to the need to eliminate discrimination and promote equality with regard to race, disability and gender, including gender reassignment, as well as to promote good race relations. The Equality Act 2010 introduces a new public sector duty which extends this coverage to age, sexual orientation, pregnancy and maternity, and religion or belief. The law requires that this duty to pay 'due regard' be demonstrated in the decision making process. It is also important to note that public authorities subject to the equality duties are also likely to be subject to the obligations under the Human Rights Act and it is therefore wise also to consider the potential impact that decisions could have on human rights as part of the same process.

Carmarthenshire's approach to Equality Impact

In order to ensure that the council is considering the potential equality impact of its proposed policies and practices, and in order to evidence that we have done so, every proposal will be required to be supported by the attached Equality Impact Assessment. Where this assessment identifies a significant impact then more detail may be required.

Reporting on assessments

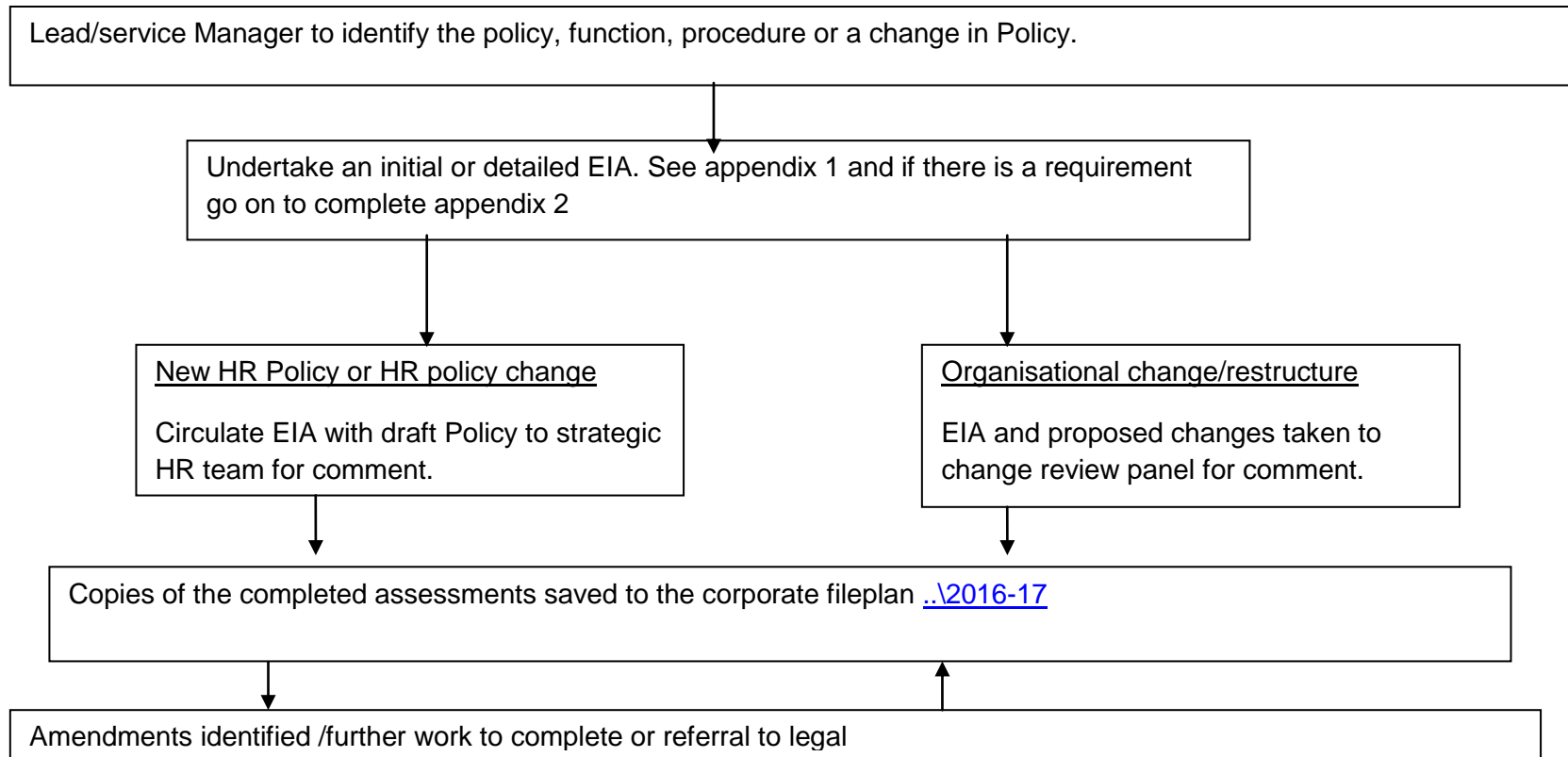
Where it is clear from the assessment that the likely impact on the authority's ability to meet the general duty is substantial, then it must publish a report.

Initial and Detailed Equality Impact Assessments

The initial EIA (appendix 1) is a simple and quick method of assessing the effect of a policy, function, procedure, decision including financial cuts on one or more of the protected characteristics.

The Service Manager responsible for the relevant new or revised policies, functions, procedures and financial decisions must undertake, at least, an initial EIA and where relevant a detailed Equality Impact Assessment (appendix 2); EIA must be attached as background paper with reports to Executive and Scrutiny .

Equality impact assessment – Process to follow where HR implications have been identified



Initial Equalities Impact Assessment Template

Appendix 1

Department: Community Services	Completed by (lead): Sue E Watts	Date of initial assessment: 4/4/17 January 2017 Revision Dates:
Area to be assessed: (i.e. name of policy, function, procedure, practice or a financial decision)	Corporate Enforcement Policy	
Is this existing or new function/policy, procedure, practice or decision?	Existing function	
What evidence has been used to inform the assessment and policy? (please list only)		
<p>The Review is being guided The Regulators' Code which came into statutory effect on 6 April 2014 under the Legislative and Regulatory Reform Act 2006 and provides a clear, flexible and principles-based framework for how regulators should engage with those they regulate.</p> <p>The regulators and regulatory functions to which the Regulators' Code applies are specified in the Legislative and Regulatory Reform (Regulatory Functions) Order 2007, as amended in 2009, 2010 and 2014. The Local Authority, as a regulator, must have regard to it when developing policies and procedures that guide their regulatory activities.</p>		

1. Describe the aims, objectives or purpose of the proposed function/policy, practice, procedure or decision and who is intended to benefit.	<p>To review the current enforcement procedures and policies within the Local Authority and consolidate them into a consistent approach by means of a corporate Enforcement Policy to reflect the requirements of the Regulators Code.</p> <p>This is intended to make clear the Local Authority's approach to delivery of regulatory services to businesses and individuals.</p> <p>This is the initial Draft and the assessment will be updated as we move through the democratic process and in light of consultation feedback.</p>
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The Public Sector Equality Duty requires the Council to have “due regard” to the need to:- (1) eliminate unlawful discrimination, harassment and victimisation; (2) advance equality of opportunity between different groups; and (3) foster good relations between different groups (see guidance notes)		2. What is the level of impact on each group/ protected characteristics in terms of the three aims of the duty? Please indicate high (H) medium (M), low (L), no effect (N) for each.	3. Identify the risk or positive effect that could result for each of the group/protected characteristics?		4. If there is a disproportionately negative impact what mitigating factors have you considered?
			Risks	Positive effects	
characteristics	Age	L	No evidence to suggest other than low risk	The Review will identify graduated steps in enforcement ensuring fairness, transparency and consistency of approach.	
	Disability	L	No evidence to suggest other than low risk	The Review will identify graduated steps in enforcement ensuring fairness, transparency and consistency of	

				approach.	
	Gender reassignment	L	No evidence to suggest other than low risk	The Review will identify graduated steps in enforcement ensuring fairness, transparency and consistency of approach.	
	Race	L	No evidence to suggest other than low risk	The Review will identify graduated steps in enforcement ensuring fairness, transparency and consistency of approach.	
	Religion/Belief	L	No evidence to suggest other than low risk	The Review will identify graduated steps in enforcement ensuring fairness, transparency and consistency of approach.	
	Pregnancy and maternity	L	No evidence to suggest other than low risk	The Review will identify graduated steps in enforcement ensuring fairness, transparency	

				and consistency of approach.	
	Sexual Orientation	L	No evidence to suggest other than low risk	The Review will identify graduated steps in enforcement ensuring fairness, transparency and consistency of approach.	
	Sex	L	No evidence to suggest other than low risk	The Review will identify graduated steps in enforcement ensuring fairness, transparency and consistency of approach.	
	Welsh language	L	Provision must continue to ensure language need is catered to (particularly dementia)	The Review will explicitly consider the needs of users, including those arising through language need	
	Any other area				

5. Has there been any consultation/engagement with the appropriate protected characteristics?	There will be a specific consultation period (6 weeks) and that we will promote the consultation with productive groups.	
6. What action(s) will you take to reduce any disproportionately negative impact, if any? This EIA has been developed at the formative stages for the Review, and the issues that have been highlighted will be considered as the Review develops. In this way, disproportionate negative impacts can be addressed if they arise and corrective action taken.		
7. Procurement Following collation of evidence for this assessment, are there any procurement implications to the activity, proposal, service. Please take the findings of this assessment into your procurement plan. Contact the corporate procurement unit for further advice.		
8. Human resources Following collation of evidence for this assessment, are there any Human resource implications to the activity, proposal or service?		
9. Based on the information in sections 2 and 6, should this function/policy/procedure/practice or a decision proceed to Detailed Impact Assessment? (recommended if one or more H under section 2)	YES <input type="checkbox"/>	NO X <input type="checkbox"/>
Approved by: Head of Service	Sue E Watts	Date: April 2017

Detailed Equalities Impact Assessment Template

Appendix 2

Department:	Please see initial impact assessment
Completed by (lead):	
Date of Detailed assessment:	
Area to be assessed: (<i>Policy, function, procedure, practice or a financial decision</i>)	Please see initial impact assessment
Is this existing or new function/policy/Procedure/ practice	Please see initial impact assessment

1. Describe the aims, objectives or purpose of the function/policy, practice or procedure and who is intended to benefit.	Please see initial impact assessment
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2. Please list any existing documents, evidence, research which have been used to inform the Detailed equality impact assessment. (This must include relevant data used in this assessment)				
3. Has any consultation, involvement been undertaken with the protected characteristics to inform this assessment? (please provide details, who and how consulted)				
4. What is the actual/likely impact?				
5. What actions are proposed to address the impact? (<i>The actions needs to be specific, measurable and outcome based</i>)	What are we going to do	Who will be responsible	When will it be completed	How will we know we have achieved our objective

6. How will actions be monitored?				
Approved by: Head of Service		Date:		

Thank you for completing this assessment.

For further information regarding Assessing Impact, please contact the -

Policy & Partnership Team

Chief Executive's Department

01267 22(4676)

equalities@carmarthenshire.gov.uk